

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 93-1216M

ROSA ESTELLA RIVAS-CORRAL,

Defendant.

MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION

Proposed Findings

This matter comes before the Court upon the United States' Motion for an Order to Show Cause why Appearance Bond Should Not Be Forfeited, filed March 24, 2000, and the United States' Motion for an Order to Show Cause and for Forfeiture of Bond, filed June 13, 2000. Having held a hearing on this matter on June 16, 2000, I hereby make the following findings:

1. On June 3, 1998, a detention hearing was held and Defendant was released on a \$10,000 unsecured bond. The Defendant and Maria DeJesus Rivas, as surety, executed an appearance bond in the amount of \$10,000.00. \$1,000.00 cash was posted.
2. Defendant failed to appear before Chief Judge John E. Conway for her plea hearing on June 8, 1998.
3. On June 22, 1998, a warrant was issued for Defendant's arrest.
4. On March 24, 2000, the United States filed a Motion to Show Cause Why Appearance

Bond Should Not Be Forfeited (*Doc. 16*). A hearing was held on the Motion to Show Cause on April 19, 2000 before United States Magistrate Judge Karen Molzen. Ms. Maria DeJesus Rivas, the surety, appeared *pro se* at that hearing, and told the Court that she would attempt to have Defendant turn herself in. The Court continued the bond forfeiture hearing.

5. On June 13, 2000, the United States filed a second Motion for an Order to Show Cause and for Forfeiture of Bond (*Doc. 20*).

6. On June 16, 2000, a hearing was held on the motion for forfeiture of bond. Defendant was not present at the bond forfeiture hearing. The surety, Ms. Maria DeJesus Rivas, appeared *pro se*.

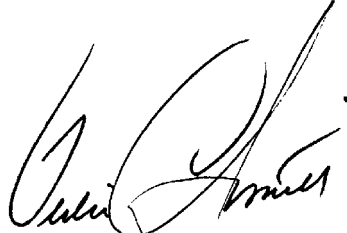
7. As of this date, Defendant has not surrendered to any law enforcement authority.

8. Ms. Maria DeJesus Rivas expressed no defense to the forfeiture of the bond.

Recommended Disposition

Pursuant to Fed. R. Crim. P. 46(e), I recommend a declaration of bond forfeiture against Defendant Rosa Estella Rivas-Corral and Maria DeJesus Rivas. I further recommend that judgment be entered against the Defendant and Maria DeJesus Rivas in the principal amount of \$10,000.00, together with United States District Clerk Docketing fees in the amount of \$150.00 as provided by 28 U.S.C. §§2412(a)(2) and 1914(a), interest at the legal rate compounded annually and computed daily until paid, and costs as allowed by law. I recommend that an order issue to the Clerk of the Court forfeiting the \$1,000.00 deposit to the United States. Timely objections to the foregoing may be made pursuant to 28 U.S.C. §636(b)(1)(C). Within ten days after a party is served with a copy of these proposed findings and recommendations that party

may, pursuant to §636(b)(1)(C), file written objections to such proposed findings and recommendations. A party must file with the **Clerk of the Court, U.S. District Court, 200 E. Griggs Ave., Las Cruces, NM 88001**, any objections within the ten day period allowed if that party wants to have appellate review of the proposed findings and recommendations. If no objections are filed, no appellate review will be allowed.

A handwritten signature in black ink, appearing to read 'Leslie C. Smith', is written over a horizontal line.

Leslie C. Smith
United States Magistrate Judge